

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

NOV 24 2009

United States District Court
for the
Eastern District of Arkansas

JAMES W. MCCORMACK, CLERK
By: [Signature] DEP CLERK

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Luetta Faye Garnett

Case Number: 4:05CR00305-012 SWW

Name of Sentencing Judicial Officer: Honorable Susan Webber Wright
United States District JudgeOffense: Ct. 1: Conspiracy to distribute more than 50 grams of methamphetamine
Ct. 2: Conspiracy to launder drug proceeds

Date of Sentence: January 12, 2007

Sentence: 23 months Bureau of Prisons on each count to be served concurrently, 4 years supervised release on each count to be served concurrently, mandatory drug testing, substance abuse treatment, DNA, and \$200 special penalty assessment

Type of Supervision: Supervised release

Date Supervision Commenced: August 11, 2008
Expiration Date: August 10, 2012

Asst. U.S. Attorney: Pat Harris

Defense Attorney: John Stratford

U.S. Probation Officer: Tabitha L. Mitchell
Phone No.: 501-604-5277

PETITIONING THE COURT

To modify the conditions of supervision as follows:

The defendant shall abstain from the use of alcohol throughout the term of supervised release.

CAUSE

Ms. Garnett's term of supervised release commenced on August 11, 2008. She was referred to substance abuse treatment and successfully completed treatment on December 10, 2008. On February 6, 2009, the Court was notified Ms. Garnett submitted a urine sample which tested positive for amphetamine on February 2, 2009. She signed an admission of drug use form and admitted to using the substance on February 1, 2009. As a result, she was referred to substance abuse treatment. On March 6, 2009, the Court was notified Ms. Garnett failed to attend substance abuse treatment on February 18, 2009. The Court was also notified Ms. Garnett attended a group session under the influence of alcohol on February 19, 2009. She submitted to a breathalyzer which registered a blood alcohol level of .005. She admitted to consuming 3 or 4 beers prior to her counseling session. She successfully completed treatment on

Prob 12B

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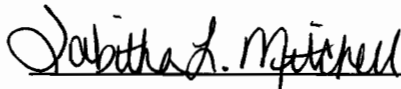
Name of Offender: Luetta Faye Garnett

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May 14, 2009.

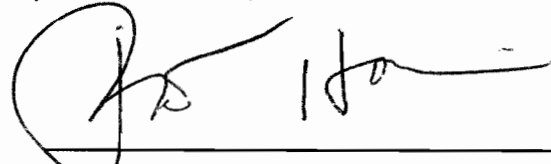
On October 14, 2009, Ms. Garnett reported she was arrested on October 10, 2009, by North Little Rock, Arkansas, police officers for driving while intoxicated (Case No.: 09-238). According to the arrest report, officers conducted a traffic stop in which Ms. Garnett was the driver of the vehicle. Officers noticed Ms. Garnett smelled strongly of alcohol and her eyes were blood shot. She was given a series of field sobriety checks and submitted to a breathalyzer which registered a blood alcohol level of .185. She was then placed under arrest. Ms. Garnett reported she drank approximately four or five 22-ounce cans of beer. She failed to notify the probation office within seventy-hours of law enforcement contact. Based on Ms. Garnett's arrest, she was referred to Recovery Centers of Arkansas for substance abuse treatment. On November 9, 2009, Ms. Garnett appeared in the North Little Rock, Arkansas, District Court. She pled guilty to the charge and was sentenced to 7 days jail time with 6 days suspended and \$1,220 fine/court costs with \$200 adjusted for a total of \$1,020.

On November 13, 2009, Ms. Garnett agreed to have her term of supervised release modified to abstain from the use of alcohol throughout the term of supervised release. She signed the attached PROB 49, waiving her right to a hearing. Her court-appointed attorney, John Stratford, was contacted and is in agreement with this modification.



Tabitha L. Mitchell
U.S. Probation Officer

Date: November 18, 2009



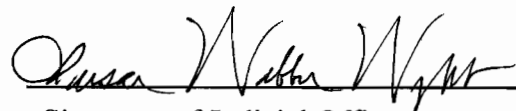
Pat Harris
Assistant U.S. Attorney

Date: 11-20-09

This form is to be filed with Criminal Docketing as a motion.

THE COURT ORDERS:

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

11-24-09

Date

This form is to be filed with Criminal Docketing as an order and/or petition.

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Name of Offender: Luetta Faye Garnett

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Approved:



Supervising U.S. Probation Officer

TLM/dwr

c: Defense Attorney, Johnny Stratford, 400 W. Capitol, Ste. 1700, Little Rock, AR 72201
Assistant U.S. Attorney, Pat Harris, P.O. Box 1229, Little Rock, AR 72203